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(Original Signature of Member)

109TH CONGRESS
1ST SESSION

H. R. _____

To reauthorize the Livestock Mandatory Reporting Act of 1999 and to amend
the swine reporting provisions of that Act.

IN THE HOUSE OF REPRESENTATIVES

M____. _____ introduced the following bill; which was referred to the
Committee on _____

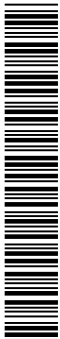
A BILL

To reauthorize the Livestock Mandatory Reporting Act of
1999 and to amend the swine reporting provisions of
that Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. EXTENSION.**

4 (a) IN GENERAL.—Chapter 5 of subtitle B of the Ag-
5 ricultural Marketing Act of 1946 (7 U.S.C. 1636 et seq.)
6 is amended by adding at the end the following new section:



1 **“SEC. 260. TERMINATION OF AUTHORITY.**

2 “The authority provided by this subtitle terminates
3 on September 30, 2010.”.

4 (b) CONFORMING AMENDMENT AND EXTENSION.—
5 Section 942 of the Livestock Mandatory Price Reporting
6 Act of 1999 (7 U.S.C. 1635 note; Public Law 106–78)
7 is amended by striking “terminate on September 30,
8 2005” and inserting “(other than section 911 of subtitle
9 A and the amendments made by that section) terminate
10 on September 30, 2010”.

11 **SEC. 2. DEFINITIONS.**

12 (a) BASE MARKET HOGS.—Section 231(4) of the Ag-
13 ricultural Marketing Act of 1946 (7 U.S.C. 1635i(4)) is
14 amended to read as follows:

15 “(4) BASE MARKET HOG.—The term ‘base mar-
16 ket hog’ means a barrow or gilt for which no dis-
17 counts are subtracted from and no premiums are
18 added to the base price. ”.

19 (b) BOARS.—Section 231(5) of such Act (7 U.S.C.
20 1635i(5)) is amended to read as follows:

21 “(5) BOAR.—The term ‘boar’ means a sexually-
22 intact male swine.”.

23 (c) PACKER OF SOWS AND BOARS.—Section 231(12)
24 of such Act (7 U.S.C. 1635i(12)) is amended by—

25 (1) striking subparagraph (B) and inserting the
26 following new subparagraph:



1 “(B) for any calendar year, the term in-
2 cludes only—

3 “(i) a swine processing plant that
4 slaughtered an average of at least 100,000
5 swine per year during the immediately pre-
6 ceding five calendar years; and

7 “(ii) a person that slaughtered an av-
8 erage of at least 200,000 sows, boars, or
9 any combination thereof, per year during
10 the immediately preceding five calendar
11 years; and”; and

12 (2) in subparagraph (C)—

13 (A) by inserting “or person” after “swine
14 processing plant”;

15 (B) by inserting “or person” after “plant
16 capacity of the processing plant”; and

17 (C) by inserting “or person” after “deter-
18 mining whether the processing plant”.

19 **SEC. 3. REPORTING; BARROWS AND GILTS.**

20 Section 232(c) of the Agricultural Marketing Act of
21 1946 (7 U.S.C. 1635j(c)) is amended to read as follows:

22 “(c) DAILY REPORTING; BARROWS AND GILTS.—

23 “(1) PRIOR DAY REPORT.—

24 “(A) IN GENERAL.—The corporate officers
25 or officially designated representatives of each



1 packer processing plant that processes barrows
2 or gilts shall report to the Secretary, for each
3 business day of the packer, such information as
4 the Secretary determines necessary and appro-
5 priate to—

6 “(i) comply with the publication re-
7 quirements of this section; and

8 “(ii) provide for the timely access to
9 the information by producers, packers, and
10 other market participants.

11 “(B) REPORTING DEADLINE AND PLANTS
12 REQUIRED TO REPORT.—A packer required to
13 report under subparagraph (A) shall—

14 “(i) not later than 7:00 a.m. Central
15 Time on each reporting day, report infor-
16 mation regarding all barrows and gilts pur-
17 chased or priced, and

18 “(ii) not later than 9:00 a.m. Central
19 Time on each reporting day, report infor-
20 mation regarding all barrows and gilts
21 slaughtered,

22 during the prior business day of the packer.

23 “(C) INFORMATION REQUIRED.—The in-
24 formation from the prior business day of a



1 packer required under this paragraph shall
2 include—

3 “(i) all purchase data, including—

4 “(I) the total number of—

5 “(aa) barrows and gilts pur-
6 chased; and

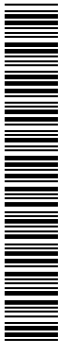
7 “(bb) barrows and gilts
8 scheduled for delivery; and

9 “(II) the base price and purchase
10 data for slaughtered barrows and gilts
11 for which a price has been established;

12 “(ii) all slaughter data for the total
13 number of barrows and gilts slaughtered,
14 including—

15 “(I) information concerning the
16 net price, which shall be equal to the
17 total amount paid by a packer to a
18 producer (including all premiums, less
19 all discounts) per hundred pounds of
20 carcass weight of barrows and gilts
21 delivered at the plant—

22 “(aa) including any sum de-
23 ducted from the price per hun-
24 dredweight paid to a producer
25 that reflects the repayment of a

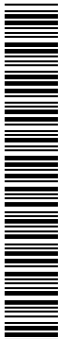


1 balance owed by the producer to
2 the packer or the accumulation of
3 a balance to later be repaid by
4 the packer to the producer; and

5 “(bb) excluding any sum
6 earlier paid to a producer that
7 must later be repaid to the pack-
8 er;

9 “(II) information concerning the
10 average net price, which shall be equal
11 to the quotient (stated per hundred
12 pounds of carcass weight of barrows
13 and gilts) obtained by dividing—

14 “(aa) the total amount paid
15 for the barrows and gilts slaugh-
16 tered at a packing plant during
17 the applicable reporting period,
18 including all premiums and dis-
19 counts, and including any sum
20 deducted from the price per hun-
21 dredweight paid to a producer
22 that reflects the repayment of a
23 balance owed by the producer to
24 the packer, or the accumulation
25 of a balance to later be repaid by



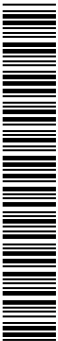
1 the packer to the producer, less
2 all discounts; by

3 “(bb) the total carcass
4 weight (in hundred pound incre-
5 ments) of the barrows and gilts;

6 “(III) information concerning the
7 lowest net price, which shall be equal
8 to the lowest net price paid for a sin-
9 gle lot or a group of barrows or gilts
10 slaughtered at a packing plant during
11 the applicable reporting period per
12 hundred pounds of carcass weight of
13 barrows and gilts;

14 “(IV) information concerning the
15 highest net price, which shall be equal
16 to the highest net price paid for a sin-
17 gle lot or group of barrows or gilts
18 slaughtered at a packing plant during
19 the applicable reporting period per
20 hundred pounds of carcass weight of
21 barrows and gilts;

22 “(V) the average carcass weight,
23 which shall be equal to the quotient
24 obtained by dividing—

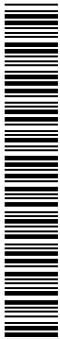


1 “(aa) the total carcass
2 weight of the barrows and gilts
3 slaughtered at the packing plant
4 during the applicable reporting
5 period, by

6 “(bb) the number of the
7 barrows and gilts described in
8 item (aa),
9 adjusted for special slaughter situa-
10 tions (such as skinning or foot re-
11 moval), as the Secretary determines
12 necessary to render comparable car-
13 cass weights;

14 “(VI) the average sort loss,
15 which shall be equal to the average
16 discount (in dollars per hundred
17 pounds carcass weight) for barrows
18 and gilts slaughtered during the appli-
19 cable reporting period, resulting from
20 the fact that the barrows and gilts did
21 not fall within the individual packer’s
22 established carcass weight or lot vari-
23 ation range;

24 “(VII) the average backfat, which
25 shall be equal to the average of the



1 backfat thickness (in inches) meas-
2 ured between the third and fourth
3 from the last ribs, 7 centimeters from
4 the carcass split (or adjusted from the
5 individual packer's measurement to
6 that reference point using an adjust-
7 ment made by the Secretary) of the
8 barrows and gilts slaughtered during
9 the applicable reporting period;

10 “(VIII) the average lean percent-
11 age, which shall be equal to the aver-
12 age percentage of the carcass weight
13 comprised of lean meat for the bar-
14 rows and gilts slaughtered during the
15 applicable reporting period, except
16 that when a packer is required to re-
17 port the average lean percentage
18 under this subclause, the packer shall
19 make available to the Secretary the
20 underlying data, applicable method-
21 ology and formulae, and supporting
22 materials used to determine the aver-
23 age lean percentage, which the Sec-
24 retary may convert to the carcass
25 measurements or lean percentage of



1 the barrows and gilts of the individual
2 packer to correlate to a common per-
3 cent lean measurement; and

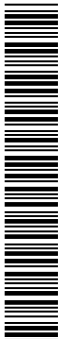
4 “(IX) the total slaughter quan-
5 tity, which shall be equal to the total
6 number of barrows and gilts slaugh-
7 tered during the applicable reporting
8 period, including all types of pur-
9 chases and barrows and gilts that
10 qualify as packer-owned swine; and

11 “(iii) packer purchase commitments,
12 which shall be equal to the number of bar-
13 rows and gilts scheduled for delivery to a
14 packer for slaughter for each of the next
15 14 calendar days.

16 “(D) PUBLICATION.—

17 “(i) IN GENERAL.—The Secretary
18 shall publish the information obtained
19 under this paragraph in a prior day
20 report—

21 “(I) in the case of information
22 regarding barrows and gilts purchased
23 or priced, not later than 8:00 a.m.
24 Central Time, and

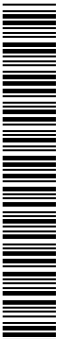


1 “(II) in the case of information
2 regarding barrows and gilts slaugh-
3 tered, not later than 10:00 a.m. Cen-
4 tral time,
5 on the reporting day on which the informa-
6 tion is received from the packer.

7 “(ii) PRICE DISTRIBUTIONS.—The in-
8 formation published by the Secretary
9 under clause (i) shall include a distribution
10 of net prices in the range between and in-
11 cluding the lowest net price and the high-
12 est net price reported. The publication
13 shall include a delineation of the number
14 of barrows and gilts at each reported price
15 level or, at the option of the Secretary, the
16 number of barrows and gilts within each of
17 a series of reasonable price bands within
18 the range of prices.

19 “(2) MORNING REPORT.—

20 “(A) IN GENERAL.—The corporate officers
21 or officially designated representatives of each
22 packer processing plant that processes barrows
23 or gilts shall report to the Secretary not later
24 than 10:00 a.m. Central Time each reporting
25 day—



1 “(i) the packer’s best estimate of the
2 total number of barrows and gilts, and
3 barrows and gilts that qualify as packer-
4 owned swine, expected to be purchased
5 throughout the reporting day through each
6 type of purchase;

7 “(ii) the total number of barrows and
8 gilts, and barrows and gilts that qualify as
9 packer-owned swine, purchased up to that
10 time of the reporting day through each
11 type of purchase;

12 “(iii) the base price paid for all base
13 market hogs purchased up to that time of
14 the reporting day through negotiated pur-
15 chases; and

16 “(iv) the base price paid for all base
17 market hogs purchased through each type
18 of purchase other than negotiated purchase
19 up to that time of the reporting day, un-
20 less such information is unavailable due to
21 pricing that is determined on a delayed
22 basis.

23 “(B) PUBLICATION.—The Secretary shall
24 publish the information obtained under this
25 paragraph in the morning report as soon as



1 practicable, but not later than 11:00 a.m. Cen-
2 tral Time, on each reporting day.

3 “(3) AFTERNOON REPORT.—

4 “(A) IN GENERAL.—The corporate officers
5 or officially designated representatives of each
6 packer processing plant that processes barrows
7 or gilts shall report to the Secretary not later
8 than 2:00 p.m. Central Time each reporting
9 day—

10 “(i) the packer’s best estimate of the
11 total number of barrows and gilts, and
12 barrows and gilts that qualify as packer-
13 owned swine, expected to be purchased
14 throughout the reporting day through each
15 type of purchase;

16 “(ii) the total number of barrows and
17 gilts, and barrows and gilts that qualify as
18 packer-owned swine, purchased up to that
19 time of the reporting day through each
20 type of purchase;

21 “(iii) the base price paid for all base
22 market hogs purchased up to that time of
23 the reporting day through negotiated pur-
24 chases; and



1 “(iv) the base price paid for all base
2 market hogs purchased up to that time of
3 the reporting day through each type of
4 purchase other than negotiated purchase,
5 unless such information is unavailable due
6 to pricing that is determined on a delayed
7 basis.

8 “(B) PUBLICATION.—The Secretary shall
9 publish the information obtained under this
10 paragraph in the afternoon report as soon as
11 practicable, but not later than 3:00 p.m. Cen-
12 tral Time, on each reporting day.”.

13 **SEC. 4. REPORTING; SOWS AND BOARS.**

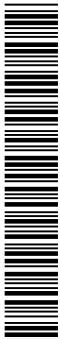
14 Section 232 of the Agricultural Marketing Act of
15 1946 (7 U.S.C. 1635j) is amended by—

16 (1) redesignating subsection (d) as subsection
17 (e); and

18 (2) inserting after subsection (c) the following
19 new subsection:

20 “(d) DAILY REPORTING; SOWS AND BOARS.—

21 “(1) PRIOR DAY REPORT.—The corporate offi-
22 cers or officially designated representatives of each
23 packer of sows and boars shall report to the Sec-
24 retary, for each business day of the packer, such in-



1 formation reported by hog class as the Secretary de-
2 termines necessary and appropriate to—

3 “(A) comply with the publication require-
4 ments of this section; and

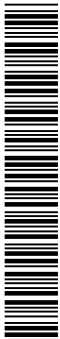
5 “(B) provide for the timely access to the
6 information by producers, packers, and other
7 market participants.

8 “(2) REPORTING.—Not later than 9:30 a.m.
9 Central Time, or such other time as the Secretary
10 considers appropriate, on each reporting day, a
11 packer required to report under paragraph (1) shall
12 report information regarding all sows and boars pur-
13 chased or priced during the prior business day of the
14 packer.

15 “(3) INFORMATION REQUIRED.—The informa-
16 tion from the prior business day of a packer re-
17 quired under this subsection shall include all pur-
18 chase data, including—

19 “(A) the total number of sows purchased
20 and the total number of boars purchased, each
21 divided into at least three reasonable and mean-
22 ingful weight classes specified by the Secretary;

23 “(B) the number of sows that qualify as
24 packer-owned swine;



1 “(C) the number of boars that qualify as
2 packer-owned swine;

3 “(D) the average price paid for all sows;

4 “(E) the average price paid for all boars;

5 “(F) the average price paid for sows in
6 each weight class specified by the Secretary
7 under subparagraph (A);

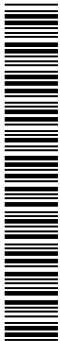
8 “(G) the average price paid for boars in
9 each weight class specified by the Secretary
10 under subparagraph (A);

11 “(H) the number of sows and the number
12 of boars for which prices are determined, by
13 each type of purchase;

14 “(I) the average prices for sows and the
15 average prices for boars for which prices are de-
16 termined, by each type of purchase; and

17 “(J) such other information as the Sec-
18 retary considers appropriate to carry out this
19 subsection.

20 “(4) PRICE CALCULATIONS WITHOUT PACKER-
21 OWNED SWINE.—A packer shall omit the prices of
22 sows and boars that qualify as packer-owned swine
23 from all average price calculations, price range cal-
24 culations, and reports required by this subsection.



1 “(5) REPORTING EXCEPTION: PUBLIC AUCTION
2 PURCHASES.—The information required to be re-
3 ported under this subsection shall not include pur-
4 chases of sows or boars made by agents of the re-
5 porting packer at a public auction at which the title
6 of the sows and boars is transferred directly from
7 the producer to such packer.

8 “(6) PUBLICATION.—The Secretary shall pub-
9 lish the information obtained under this paragraph
10 in a prior day report not later than 11:00 a.m. Cen-
11 tral Time on the reporting day on which the infor-
12 mation is received from the packer.

13 “(7) ELECTRONIC SUBMISSION OF INFORMA-
14 TION.—The Secretary of Agriculture shall provide
15 for the electronic submission of any information re-
16 quired to be reported under this subsection through
17 an Internet website or equivalent electronic means
18 maintained by the Department of Agriculture.”.

